

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

DONALD ROACH,)
)
JENNIFER ARTHUR,)
)
DAVID G. BROWN JR., TRUSTEE OF THE)
BY-PASS TRUST UNDER THE LAST WILL)
AND TESTIMENT OF DAVID G. BROWN,)
DECEASED,)
)
DAVID G. BROWN TRUST,) Case No.: 25-576 L
)
ANGELA L. DENTON,) Judge:
)
SUSAN FORD,)
)
JESSICA JOHNSON,)
)
MITUL B. KHATIWALA,)
)
JEFFREY R. LYNN,)
)
THE LAKESIDE CO., INC.,)
)
MARRIAH & ADAM MABE,)
)
GREG & JEAN MCCARTER,)
)
GREGORY S. MCCARTER,)
)
LISA ANN MORROW,)
)
PHILLCO, LLC,)
)
DWIGHT L. PITTMAN,)
)
BARCLEY T. ROUNTREE,)
)
LAURA STAGNARI & PEDRO SAEZ,)
)
GENIENNE S. SUMNER,)
)
IAN WEST, and)
)
SHARON WRIGHT,)
)

<i>Plaintiffs,</i> <i>v.</i> THE UNITED STATES OF AMERICA, <i>Defendant.</i>)))))))
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COMPLAINT

JURISDICTION

1. This Court has jurisdiction pursuant to 28 U.S.C. § 1494(a)(1) (“Tucker Act”) because this action presents a claim against the United States which is founded upon the Constitution and Statutes of the United States.

2. Plaintiffs’ claims are based upon 1) The Fifth Amendment to the United States Constitution prohibiting the taking of private property for public use, without just compensation; 2) The National Trails System Act Amendments of 1983; 16 U.S.C. § 1247(d) (“Trails Act”); 3) The Tucker Act, 28 U.S.C. § 1491(a) (“Tucker Act”); and 4) The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. § 4654(c) (2000).

COUNT I

(TAKINGS CLAIM)

3. Upon information and belief, Knoxville & Holston River Railroad Co., Inc. formerly owned an easement for railroad purposes along an approximately 3.8-mile rail line, between milepost 0.1 to the end of the line, in the City of Knoxville, Knox County, Tennessee (the “Line”).

4. The easement lay across property owned by Plaintiffs.

5. Upon abandonment of the easement and/or authorization of use beyond the scope of the easement, Plaintiffs' property would have been unburdened by any easement.

6. Donald Roach owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Donald Roach is located in Knox County, Tennessee, and includes parcel number 109DD008, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

7. Jennifer Arthur owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The properties owned by Jennifer Arthur are located in Knox County, Tennessee, and include parcel numbers 095OM008 and 095OM006, and, upon information and belief, include but are not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

8. David G. Brown Jr., Trustee of the By-Pass Trust under the Last Will and Testament of David G. Brown, deceased owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by David G. Brown Jr., Trustee of the By-Pass Trust under the Last Will and Testament of David G. Brown, deceased is located in Knox County, Tennessee, and includes parcel numbers 109AA01201 and 109AA012, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

9. Angela L. Denton owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Angela L. Denton is located in Knox County, Tennessee, and includes parcel number 109DG01302, and, upon information and belief, includes

but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

10. Susan Ford owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Susan Ford is located in Knox County, Tennessee, and includes parcel number 095NJ006, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

11. Jessica Johnson owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Jessica Johnson is located in Knox County, Tennessee, and includes parcel number 095NG001, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

12. Mitul B. Khatiwala owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Mitul B. Khatiwala is located in Knox County, Tennessee, and includes parcel number 109AA011, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

13. Jeffrey R. Lynn owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Jeffrey R. Lynn is located in Knox County, Tennessee, and includes parcel number 095NG003, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

14. The Lakeside Co., Inc. owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by The Lakeside Co., Inc. is located in Knox County, Tennessee, and includes parcel number 095OD00601, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

15. Mariah & Adam Mabe owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Mariah & Adam Mabe is located in Knox County, Tennessee, and includes parcel number 095OE03101, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

16. Greg & Jean McCarter owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Greg & Jean McCarter is located in Knox County, Tennessee, and includes parcel number 095OF017, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

17. Gregory S. McCarter owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The properties owned by Gregory S. McCarter are located in Knox County, Tennessee, and include parcel numbers 095OF016 and 095OF010, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

18. Lisa Ann Morrow owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Lisa Ann Morrow is located in Knox County, Tennessee, and includes parcel number 095NC001, and, upon information and belief, includes but

is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

19. Phillco, LLC owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The properties owned by Phillco, LLC are located in Knox County, Tennessee, and include parcel numbers 095OF011, 095OF012, 095OF013, and 095OF014, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

20. Dwight L. Pittman owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Dwight L. Pittman is located in Knox County, Tennessee, and includes parcel number 095NG009, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

21. Barcley T. Rountree owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Barcley T. Rountree is located in Knox County, Tennessee, and includes parcel number 109DL010, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

22. Laura Stagnari & Pedro Saez owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Laura Stagnari & Pedro Saez is located in Knox County, Tennessee, and includes parcel number 095PE019, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

23. Genienne S. Sumner owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Genienne S. Sumner is located in Knox County, Tennessee, and includes parcel number 095PE017, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

24. Ian West owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Ian West is located in Knox County, Tennessee, and includes parcel number 109DD001, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

25. Sharon Wright owned land adjacent to the Railroad Line on the date of the taking, March 28, 2025. The property owned by Sharon Wright is located in Knox County, Tennessee, and includes parcel number 095NJ018, and, upon information and belief, includes but is not limited to the fee title to all that property to the centerline of the abandoned right-of-way that is now subject to an easement for interim trail use.

26. On March 28, 2025, the Surface Transportation Board (“STB”) issued a Notice of Interim Trail use (“NITU”) relating to the following segment of the Railroad Line: Milepost 0.1 to the end of the line, a distance of 3.8 miles in the Knoxville, Knox County, Tennessee. But for the operation of the Trails Act, Plaintiffs would have the exclusive right to physical ownership, possession, and use of their property free of any easement for recreational trail use or future railroad use.

27. By operation of the Trails Act, the United States took the Plaintiffs’ property for which it is Constitutionally obligated to pay just compensation.

28. Plaintiffs owned the aforementioned property on the date of the taking, March 28, 2025, and are therefore the proper claimants for compensation.

29. Plaintiffs' property includes but is not limited to the fee title to the property underlying the former railroad easement.

30. The United States' actions damaged the Plaintiffs by taking a portion of the Plaintiffs' property and by diminishing the value of the remaining property and by attenuating delay damages based upon the delayed payment of compensation.

WHEREFORE, Plaintiffs respectfully request a monetary judgment in their favor representing the full fair market value of the property taken by the United States on the date it was taken, including severance damages, delay damages, interest, and costs and attorneys' fees incurred by Plaintiffs and for such further relief as this Court may deem just and proper.

Date: April 2, 2025

Respectfully submitted by:

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